

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – AUGUST 5, 2009 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:00P.M. All Councilors were present with the exception of Councilor Simmons. Also present was Ms. Karen Mahalick, A.I.C.P., Town Administrator, Ms Estefanie B. Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF THE AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda.
Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

4. APPROVAL OF THE CONSENT AGENDA.

- A. Regular Council Meeting Minutes of July 15, 2009.
- B. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of July 6, 2009.
- C. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of July 20, 2009.

MOTION: Councilor Felton made a motion to approve the Consent Agenda.
Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye.
Councilor Hill voted aye. The motion carried.

5. MATTERS FROM THE MAYOR.

D. Appointment of Energy Committee Member – Mr. Robert DeBuck.
Mayor Stearley discussed this item with the Council and asked for their approval of the appointment of Mr. Robert DuBuck to the Energy Committee.

MOTION: Councilor Felton made a motion to approve the appointment of Mr. Robert DuBuck. Councilor Hill seconded the motion.

Mayor Stearley reviewed Mr. DeBuck's qualifications and added that he would be an asset to the Energy Committee.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Abrams stated he was waiting for the announcement regarding the grant applications for the Wind Turbine.

7. MATTERS FROM THE ATTORNEY.

None.

8. MATTERS FROM THE MUNICIPAL JUDGE.

E. Judge White will present his report for the month of July, 2009.

Judge White presented his report for the month of July, 2009. He also discussed the reimbursement that the Town received for printer cartridges and added that with these types of reimbursements the Court incurs at almost no cost to the Town. He stated that with the new software in place he would be requesting funds from the Town to send Kathy for training on the latest Full Court program.

9. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign up for this topic.

Ms. Sue West discussed the music festival coming up this weekend as well as a pie auction to raise money to feed the animals at Wildlife West.

10. RESOLUTIONS.

F. Resolution No. 2009-27 A Resolution to Bring Bond Issues Before the Voters.

Ms. Mahalick read the second page of the Resolution for the Council as it was missing from their packets. She added that the Attorney had reviewed both pages of the Resolution and asked him to respond.

Mr. Rael stated that he had reviewed the Resolution and did not have any negative comments but added that it did not carry the same legal affect as would the passing of a Bond Resolution or an Ordinance to bring a bond vote before the public.

Mayor Stearley asked about the Sewer expansion.

Ms. Mahalick responded at the last meeting they had agreed to remove that item and she listed the time frame of the start up for the sewer.

MOTION: Councilor Abrams made a motion to approve Resolution 2009-27 with the amendment removing item one from page 2. Councilor Hill seconded the motion.

Councilor Felton asked when it comes time to place this on a ballet he would like to see more specificity in the section regarding Trail Improvement.

Mayor Stearley stated this was the type of thing they could discuss at the Workshop Meeting next week.

Ms. Mahalick added this design would need to be part of the Safe Route to School Grant the Town was applying for as well.

Councilor Abrams stated he would provide some of the information he had collected in regards to the trail systems to the Workshop Meeting.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye.
Councilor Hill voted aye. The motion carried.

G. Resolution No. 2009-34 – A Resolution Establishing the Capital Improvement Advisory Committee.

Ms. Mahalick described the corrections she had made at the direction of the Council.

MOTION: Councilor Hill made a motion to approve Resolution 2009-34 with the listed corrections. Councilor Abrams seconded the motion.

Mayor Stearley discussed the Committee and its purpose for the public.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye.
Councilor Hill voted aye. The motion carried.

11. PUBLIC HEARINGS.

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that public notice had been posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

**Confirmation of no conflict of interest or ex-parte communication.
(ROLL CALL VOTE)**

Councilor Abrams confirmed no ex-parte communication or conflicts of interest.

Councilor Felton confirmed no ex-parte communication or conflicts of interest.

Councilor Hill confirmed no ex-parte communication or conflicts of interest.

Mayor Stearley confirmed no ex-parte communication or conflicts of interest.

H. Request for an Appeal of Planning & Zoning Commission Denial of the Requested Extension of the Preliminary Plat for Campbell Properties.

Councilor Hill stated it had come to the Councils attention that the Mayor had been in attendance at the Planning & Zoning Meeting in which this item was heard and he requested the Mayor reconsider his statement of no ex-parte communication.

Mr. Rael asked for clarification of the matters discussed the presence of the Mayor at the meeting.

Ms. Mahalick gave a description of the discussions that took place.

Mr. Rael stated that nature of the discussion warranted the Mayor recusing himself as he was a party to information that the rest of the Council was not.
Mayor Stearley stated he would recuse himself.
Councilor Felton asked if a super majority was required to proceed tonight.
Mr. Real stated a super majority was not required for the Council to proceed. He added that he would need to ask the appellant for their position on this issue.
Mr. Campbell requested that this item be deferred until a full panel was available to hear the appeal.

At this time Mayor Pro-Tem Felton chaired the meeting.

MOTION: Councilor Hill made a motion to table this Public Hearing.
Councilor Abrams seconded the motion.

Councilor Abrams asked if they needed to state when this item would be heard.
Mr. Rael asked if Councilor Hill could amend his motion to include the date for the Public Hearing.

MOTION: Councilor Hill amended his motion to table this item until the Regular Council meeting of September 2, 2009. Councilor Abrams seconded the motion as amended.

VOTE: Councilor Hill voted aye. Councilor Abrams voted aye. The motion carried.

At this time Mayor Stearley resumed the meeting

12. MATTERS FROM THE ADMIN/PLANNER.

I. Approval to Obtain Bids for a Structure for the Recreation Fields as per the Legislative Grant.

Ms. Mahalick reviewed this item for the Council.

MOTION: Councilor Felton made a motion to authorize staff to move forward in obtaining bids. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

J. Award of Bid for the Recreational Fields.

Ms. Mahalick reviewed this item for the Council outlining the costs she had received and forwarded on to the Councilors. She stated the Engineers had checked the references and recommended the award of the bid to Mountain Golf Scapes in the amount of \$244,518.15. Councilor Hill stated that references were a nice addition to their packet information.

MOTION: Councilor Felton made a motion to authorize staff to award the bid for the Recreational Fields to Mountain Golf Scapes.

Mayor Stearley asked if this bid included a sprinkler system.

Ms. Mahalick clarified that it did as well as many other aspects relating to water and drainage. She added that she had a contract for the water service including the costs and she would bring that to the Council at the next meeting.

Councilor Felton asked about the status of the turning lane to access the fields.

Ms. Mahalick stated that the Town had allocated funds to create the turning lanes in the budget. She added that NMED had agreed to the turning lanes.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye.
Councilor Hill voted aye. The motion carried.

K. Stimulus Grant Update.

Ms. Mahalick updated the Council on the status of Stimulus Grants.

Councilor Hill discussed the schedule for next weeks meeting stating he would not be able to make it and asked if it could be changed to the next day.

All Councilors and staff agreed to move the meeting to Thursday August 13th at 6:00P.M.

L. 2009-10 Budget Update.

Ms. Mahalick reviewed this item for the Council stating that the Budget had been filed as required by State Statute.

M. Infill Annexation Map Review.

Ms. Mahalick requested that this item be tabled until Councilor Simmons could be present.

Mayor Stearley discussed the possibility of the Town providing additional services in light of this annexation and the need for more staff. He added this could be discussed at the next Regular Council Meeting.

Councilor Felton stated that he had some ideas about expanding some of the existing departments.

N. COPS Grant Update.

Ms. Mahalick reviewed this item stating that the Town had not been awarded funding for an additional officer but that another opportunity to apply for a grant of this sort would be available soon.

O. Approval of Interview Committee for Police Chief.

Ms. Mahalick discussed the candidates for the interview committee and asked Mr. Rael to introduce them.

Mr. Rael introduced the members of the committee that he recommends, Major Pete

Kessettas from NM State Police, Commander Levi Anaya, from APD, and Luis Robles, Robles, Rael & Anaya, who also provides training for a number of smaller departments in New Mexico. He added that he had contacted these three individuals and they have all agreed to serve in this capacity free of charge at the Councils approval.

Ms. Mahalick stated the Mayor, Councilor Felton, Ms. Muller and herself would also be members of the interview committee.

Mayor Stearley appointed the above listed individuals to the interview committee and asked for the Councils approval.

MOTION: Councilor Hill made a motion to approve the Interview Committee as stated. Councilor Abrams seconded the motion.

Councilor Felton asked to publicly thank the other departments that have repeatedly stepped up to assist the Town in its efforts to man the Police Department.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. The motion carried.

Ms. Mahalick discussed the privacy of the applicants and asked that the Interview Committee consider that some of the applicants have not notified their employers. All Councilors and the Mayor agreed the applicants names will be kept confidential until a candidate is chosen.

P. Request for Public Hearing to Revise Adopted Criminal Ordinance No. 2006-10 to include Marijuana as a Misdemeanor.

Ms. Mahalick reviewed this item and stated at the Councils approval this would go out for a Public Hearing and then the changes would be made and brought back before the Council for approval.

VOTE: Councilor Felton made a motion to empower staff to advertise this amendment for a Public Hearing. Councilor Hill seconded the motion.

MOTION: Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Q. Request for Proposals for Wind Turbine.

Ms. Mahalick reviewed the RFP for the Council and asked that they allow the Energy Committee to review it and provide comments.

Mayor Stearley discussed performance indicators and stated this is something the Energy Committee could add to the RFP.

Councilor Abrams stated that he would approve of taking it back to the Energy Committee or moving forward from this point.

Mayor Stearley stated he would like to see it go back before the Committee. He added that he would like to wind velocity specifications in the RFP as well.

Councilor Abrams stated monitoring was part of the Grant and that it was required by the Electrical Interconnect because the output needs to be recordable.

Councilor Hill asked if there were other aspects of the performance that need to be considered and monitored.

Councilor Abrams stated weather instrumentation was a part of the Grant.

Mr. Rael stated the Mayor had the authority to make any changes or additions to the RFP before presenting it to the Council for approval.

Mayor Stearley stated he would like to make some changes and additions with the assistance of the Energy Committee.

13. APPROVAL OF PUBLIC CELEBRATION ALCOHOL PERMIT- Fund Raiser at Wildlife West, (August 29&30, 2009) - Mr. Roger Alink.

Ms. Muller reviewed this item for the Council and stated that Mr. Alink was not present this evening to answer questions.

Councilor Hill stated he had spoken to Mr. Alink and had answers to his questions. He added that this event had taken place for many years and it seemed everything was in order.

Councilor Abrams asked if the Town was going to have any responsibility regarding security or if it fell to the applicant.

Mr. Rael responded that the sponsor of the event carries the security responsibilities and in this case it will be Wildlife West.

Ms. Mahalick asked the Council to request that the applicant list the Town as an additionally insured.

MOTION: Councilor Hill made a motion to approve the permit subject to the applicant listing the Town as additionally insured. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. The motion carried.

Councilor Felton asked if the request for ID's from, anyone appearing to be under the age of 30 was a state standard.

Mr. Rael stated this was the standard for the Regulations and Licensing Department.

14. ANNOUNCEMENTS & CALENDAR REVIEW.

R. Council Workshop Meeting – August 12, 2009 @ 6:00 P.M.

Mayor Stearley discussed the change of date for this meeting to Thursday August 13, 2009 @6:00 P.M.

S. Regular Council Meeting – August 19, 2009 @ 6:30 P.M.

Mayor Stearley informed the Council that they were invited to attend a presentation from New Mexico American Water on Wednesday, August 12, 2009 at 10:00A.M.

15. FUTURE AGENDA ITEMS.

Councilor Hill stated the Municipal League Conference is scheduled for the first week of September in Albuquerque.

Councilor Felton asked about the placement of Sub-Committees on a future agenda. Ms. Mahalick stated it would appear on the Agenda for the Second meeting in September.

16. ADJOURN.

MOTION: Councilor Hill made a motion to adjourn the meeting.

VOTE: All Councilors voted aye.

Mayor Stearley adjourned the meeting at 7:32 P.M.

PASSED, APPROVED and ADOPTED this 19th day of AUGUST, 2009

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer